

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

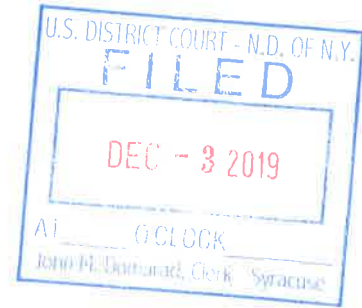
ARRON A. MCCLAIN,

PLAINTIFF,

V.

DOMINIC PANGELLO, RN,
DIANNE GELORMINO, RN OF AUBURN
CORRECTIONAL FACILITY, MEDICAL
DEPARTMENT, 3PM-11PM SHIFT,

DEFENDANTS.



**SECOND
AMENDED COMPLAINT
9:17-CV-00046
LEK/DEP**

JURY DEMAND REQUEST

I. Legal Basis For Complaint

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution and laws of the United States. Indicated below the Federal basis for these claims.

II. 42 U.S.C. § 1983

Plaintiff Information

Name: Arron A. McClain

Prisoner ID#: 12-B-0683

Place Detained: Otisville Correctional Facility
P.O. Box 8, 57 Sanitorium Rd.
Otisville, New York 10963-0008

Confinement Status: Convicted and Sentenced State Prisoner

III. Defendant(s) Information

Defendant No. 1: Dominic Pangello

Job Title: Registered Nurse

Work Address: Unknown

Defendant No. 2: Dianne Gelormino

Job Title: Registered Nurse

Work Address: Unknown

IV. Statement of Facts

On the evening of May 16th, 2014, at Auburn Correctional Facility. The Plaintiff, after returning from evening meal, plaintiff experienced excruciating pain, discomfort, and pain while urinating and pain in the penis. The Plaintiff upon experiencing all of these debilitating symptoms began to yell for help from security staff.

Unable to stand straight due to the pain, the plaintiff was forced to stand hunched, facing the floor until security staff arrived.

Upon viewing the plaintiff, and his report of his symptoms, security staff obtained a stretcher, and placed the plaintiff on it, and had two (2) Honor Block inmates carry the plaintiff to medical. This occurred around, or, about 10:00PM.

Upon reaching medical, the plaintiff was inspected by two (2) of the Medical staff, RN Dominic Pangelo, and RN Dianne Gelormino. The Female Nurse Dianne Gelormino began to threaten the Plaintiff, for allegedly abusing medical "Emergency Sick-Call" procedure, and informed the plaintiff that if there was not a legitimate medical need that, he would be written a misbehavior report, as he had already seen medical numerous times complaining of this pain, and that he was informed he was scheduled to see a medical provider.

The male nurse RN, Dominic Pangello, while the plaintiff was being threatened by female nurse, taking careful examination of the plaintiff's abdomen, and upon finding the location of the pain, RN, Dominic Pangello informed RN, Dianne Gelormino, of it's location.

Upon being informed of said location, RN, Dianne Gelormino instructed RN Dominic Pangello to step aside and she forcefully dug her fingers into the infected area, forcing the Plaintiff to convulse in pain, and almost falling off the table, and plaintiff was forced to grab onto RN, Dianne Gelormino's hands to stop his fall.

The Plaintiff was informed that there was nothing wrong with him, and was sent back to his cell under escort, without the aid of a stretcher, or personal assistance.

The Plaintiff did not receive any further care for the next four-day's, where he stayed in his cell not eating nor, drinking anything, due to the pain and discomfort food and drink, brought about.

On May 20, 2014, the plaintiff, was seen by his regular medical provider who examined his abdominal region in a similar fashion as RN, Dianne Gelormino only with consideration for the Plaintiffs pain and discomfort, and upon completion of his examination was immediately sent to: "Auburn Community Hospital" for a CAT-Scan, and upon the inspection of CAT-Scan results, he was put in for emergency surgery, due to his "Appendix" needing to be removed.

On the morning of May 21, 2014, the plaintiff was taken to morning emergency surgery, and the aforementioned "Appendix" was removed, prior to it rupturing and causing a fatal life threatening medical situation.

FIRST CLAIM

RN, Dominic Pangelo, after examination of plaintiff, ignored symptoms and condition of plaintiffs' health, and was deliberately indifferent to plaintiffs' medical needs.

Eight Amendment.

SECOND CLAIM

RN, Dominic Pangelo, by failing to act when RN, Dianne Gelormino denied treatment was aware of the substantial risk of harm to plaintiff would be a result. Eight Amendment.

THIRD CLAIM

RN, Dominic Pangelo, assisted in delaying treatment to plaintiff by failing to investigate enough to make a informed judgement, was excessive disregard to plaintiffs life. Eight Amendment.

FOURTH CLAIM

RN, Dianne Gelormino, delayed treatment for plaintiff by four-days for Appendicitis and that, plaintiff was in sufficient pain and risk of harm. Eight Amendment.

FIFTH CLAIM

RN, Dianne Gelormino, by denying and sending plaintiff back to cellblock, was interfering to accommodate plaintiff with access to adequate treatment. Eight Amendment.

SIXTH CLAIM

RN, Dianne Gelormino, by ignoring obvious conditions was unprofessional and a conscious disregard, when she ordered plaintiff to return back to cell-block without the aid of escort, when the plaintiff was made to walk in his condition of urgency, one that produced degeneration, extreme pain, and could have led to death and state of mind of RN, Dianne Gelormino was that of, equivalent to criminal recklessness. Eight Amendment.

SEVENTH CLAIM

RN, Dianne Gelormino, and RN, Dominic Pangelo actions toward plaintiff's obvious condition, was an excessive disregard for the known risk of harm to plaintiffs' body, and life. The non-medical judgement of RN, Dianne Gelormino, and RN, Dominic Pangelo, put the safety of plaintiff at risk and the institution, thus showing deliberate indifference, and 8th Amendment Violation.

VI. RELIEF REQUESTED

Plaintiff, is asking for monetary damages in the amount of \$400,000.00, for the four (4) days of pain and suffering.

I declare under penalty of perjury that the foregoing is true and correct.

DATE:

November 4, 2019

Phron A. McClain

Plaintiff's Signature
Pro Se Litigant